

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

November 15-19, 2004

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
11-15	EX	76194428	Alfa Mfg. Industries, Inc.	Hairston Walters Bucher*	2(d)	Refusal Affirmed as to all three cited registrations		"ALFA TOOLS MEGACUT" (in stylized form) [abrasive cutting and grinding wheels, diamond cutting blades and diamond core bits]	<i>3 cited registrations, the first two owned by the same entity:</i> "ALPHA PROFESSIONAL TOOLS" (and design) [hand held tools for grinding, abrading, polishing and cutting ceramic tile, marble, granite, stone, and masonry, and accessories and replacement parts therefor, namely, grinding, abrading, polishing and cutting disks and wheels]; "ALPHA" [powered tools for grinding, abrading, polishing and cutting ceramic tile, marble, granite, stone, and masonry, and accessories and replacement parts therefor, namely, grinding, abrading, polishing and cutting disks and wheels]; "ALPHA" [power operated machine tools, namely, drills for cutting metal in industrial applications]	Cordova	No

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(2) *=Opinion Writer; (D)=Dissenting Panel Member

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11-15	EX	76422584	Advanced Lighting Technologies, Inc.	Quinn Hairston* Bucher	2(e)(1)	Refusal Affirmed		"E-LAMP" [in Class 9: metal halide lighting system components, namely, ballasts and electrical controls; in Class 11: metal halide lamps and metal halide lighting systems consisting of lamps, ballasts, and electrical controls, sold as a unit]		Cain	No
11-16	EX	76453963	Hudson Salvage, Inc.	Simms Bucher* Holtzman	2(d)	Refusal Affirmed		"DIRT CHEAP" [retail department store services, specially excluding the sale of beer, liquor and cigarettes]	"DIRT CHEAP" [wholesale distributorship, on-line and retail store services featuring beer, liquor, and cigarettes]	Coggins	No
11-17	OPP OPP OPP OPP	91122617 91122620 91124190 91124392	Qwest Communications International, Inc. v. AT&T Corp.	Simms Chapman Bucher*	2(d)	Opposition Dismissed in all four cases	<i>several marks comprising or incorporating the word "QWEST" for a variety of services, including: "QWEST ADVANTAGE" [prepaid telephone calling cards, magnetically encoded]; "QWEST" and "QWEST COMMUNICATIONS" [electronic transmission of voice, data, and messages]; and other marks for related services</i>	<i>4 applications to register the mark "CONQUEST" for: [pre-paid telephone calling cards magnetically encoded]; [non-magnetic telephone calling cards]; [telecommunications calling card services]; and [delivery of messages by electronic transmission; and other related services]</i>			No

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11-18	EX EX	76376728 76376729	Axon, L.L.C.	Seeherman Bottorff Rogers*	2(e)(1)	Refusal Affirmed in both cases		"INDUSTRIAL WIRELESS DATA SOLUTIONS" and "INDUSTRIAL WIRELESS" [both marks for radio frequency engineering services]		Weimer	No
11-18	EX	76404455	P.I. Engineering	Walters Bottorff* Holtzman	2(e)(1)	Refusal Affirmed		"RAILDRIVER" [electronic train controllers]		Rauen	No
11-18	EX	76229696	Kabushiki Kaisha Sony Computer Entertain- ment	Seeherman Quinn Walters*	2(e)(1) as to goods in Class 9 and services in Class 42 (of applicant's 7- class application)	Refusal Affirmed as to Class 9 and Class 42		"VU COMMAND LINE" [an extensive list of computer-related and computer game-related goods in Class 9 and services in Class 42]		Vanston	No
11-18	EX	75751554	Baby Bjorn AB	Simms* Hairston Bottorff	2(e)(5) [de jure function- ality]; whether, if not de jure functional, applicant's mark has acquired distinctive- ness under 2(f)	Refusal Affirmed on both grounds		configuration of a flared, kite-shaped outside front panel of a baby carrier with two vertical stripes placed thereon [soft baby carriers worn on the body]		Altree	No
11-18	EX	76402813	Gibson Piano Ventures, Inc.	Hanak* Walters Chapman	2(e)(4)	Refusal Affirmed		"LINDEMAN & SONS" [pianos]		Yard	No

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11-18	EX EX EX EX EX EX	76144075 76144076 76158198 76165093 76149868 76149869 76173211	American Airpower Heritage Museum	Hohein Chapman* Drost	2(a) [false suggestion of a connection with the artist Alberto Vargas (first four applications listed) or the artist Gil Elvgren (last three applications listed)]	Refusal Reversed in all seven cases		"O-O-NOTHING!" (and design), "NIGHT MISSION" (and design), "SOUTHERN COMFORT" (and design), "SLEEPY TIME GAL" (and design), "LASSIE I'M HOME" (and design), and "SURPRISE ATTACK" (and design) [all six marks for newsletters, brochures, books, postcards, greeting cards, posters, stationery, and flyers, all in the field of aviation history]; "SURPRISE ATTACK" (and design) [computer software for use with aviation artwork which provides aviation artwork for display, creating images, archiving artwork displaying graphics and charts of historical data]		Tierney	No
11-19	EX	78188620	Aero Design and Mfg. Co., Inc.	Simms Hanak* Chapman	whether applicant's specimens show use of its mark in connection with its recited services	Refusal Affirmed		"AUTHENTIKRUD" [mail order catalog services featuring clothing and accessories for motorcycle riders]		Sloan	No

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